MONTANA LEGISLATIVE HISTORY

Chapter 157 19 79

Bill H _____ S 289 Original bill & history ✓ C

H. Committee on State Admin			S. Committee on State Admin.		
Hearing Date(s)	3-2	✓ C	Hearing Date(s)	2-8	✓ C
		C			C
		C			C
		C			C
Date Out		C			

Did this bill originate in an interim committee? ____Yes ____No

Committee _____ Report _____

CHAPTER NO. 157

SENATE BILL NO. 289

INTRODUCED BY GRAHAM

BY REQUEST OF THE DEPARTMENT OF REVENUE

IN THE SENATE

January 30, 1979	Referred to Committee on State Administration.
February 9, 1979	Committee recommend bill do pass and be placed on Consent Calendar. Report adopted.
February 10, 1979	Printed and placed on members' desks.
February 12, 1979	Motion pass consideration.
February 13, 1979	Consent Calendar discussion.
February 14, 1979	Consent Calendar do pass. Transmitted to second house.

IN THE HOUSE

February 15, 1979	Introduced and referred to Committee on State Administration.
March 3, 1979	Committee recommend bill be concurred in. Report adopted.
March 5, 1979	Second reading, concurred in.
March 7, 1979	Third reading, concurred in.

IN THE SENATE

March 8, 1979	Returned from second house. Concurred in. Sent to enrolling.
	Reported correctly enrolled.

LC 1331/01

Senate BILL NO. 289

INTRODUCED BY Goicoechea

BY REQUEST OF THE DEPARTMENT OF REVENUE

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 16-2-101, MCA, BY DELETING THE CLASSIFICATION SYSTEM OF STATE LIQUOR STORES BY VOLUME."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 16-2-101, MCA, is amended to read:

"16-2-101. Establishment of state liquor stores -- kinds and prices of liquor. (1) The department shall establish and maintain one or more stores, to be known as "state liquor stores", as the department finds feasible for the sale of liquor in accordance with the provisions of this code and the rules made thereunder. ~~The stores shall be classified according to the volume of business which each store does each fiscal year. The volume of business to be used in figuring each store's classification shall be the volume of business done by the store to be classified during the immediate past fiscal year.~~

~~(2) Stores shall be classified as follows:~~

~~(a) Stores having done a business of $450,000 or over shall be "class A" stores.~~

~~(b) Stores having done a business of $140,000 and up to $450,000 shall be "class B" stores.~~

~~(c) All stores having done a business of less than $140,000 shall be "class C" stores.~~

~~(3) In opening new stores the department shall estimate the volume of business which said store will do the first year and classify said store according to the estimate of business.~~

~~(4)~~(2) The department shall enter into an agency agreement or employ the necessary help to operate said stores and shall designate the duties to be performed by the agent or employees.

~~(5)~~(3) The department may from time to time fix the prices at which the various classes, varieties, and brands of liquor may be sold, and prices shall be the same at all state stores."

-End-

SB 289
INTRODUCED BILL

46th LEGISLATIVE SESSION

COMMITTEE ON STATE ADMINISTRATION

SENATE BILLS

BILL NO.	ENTERED COMM.	DATE CONSIDERED	OUT OF COMM.	DO PASS DATE	DO NOT PASS DATE	DO PASS AS AMEND. DATE	BE CONCURRED IN DATE	BE CONC. IN AS AMENDED DATE	BE NOT CONCURRED IN DATE
210	1/23	1/31-2/9	2/9		2/9				
212	1/23	2/2	2/2	2/2					
213	1/23	1/31-2/9	2/9	2/9 As	Amended				
219	1/24	Taken back	1/29/79						
224	1/24	2/5-2/9	2/9	2/9					
226	1/24	Taken back	1/26/79						
233	1/24	2/6-2/9-2/13-2/15	2/15		2/15				
247	1/24	2/7-2/9-2/13	2/17		2/17				
286	1/29	2/12 Taken back	2/9/79						
287	1/29	2/5-2/9	2/9	2/9 As	Amended				
289	1/30	2/8	2/8	2/8					
291	1/30	2/8	2/8	2/8					
326	2/1	2/13-2/14	2/14	2/14					
344	2/2	2/13	2/13	2/13					
351	2/3	2/13-2/15	2/15	2/15 As	Amended				
360	2/3	2/14-2/15	2/15		2/15				

Use a separate sheet for Senate, House Bills, and Resolutions.

STATE ADMINISTRATION COMMITTEE
House of Representatives

March 2, 1979

Chairman Brand called the hearing to order at 9:00 a.m., Rep.'s Azzara and O'Connell were excused.

SB 74-Sponsored by Senator Himsl -- He submitted written testimony, see Attachment #1.

DR. PAT DOUGLAS-Investment Board Member -- She submitted written testimony, see Attachment #2.

DAVE LEWIS-Director, Department of Administration -- I concur that these people have a problem with this position and agree that they need more money.

DEAN ALBERT-Investment Board Chairman -- We ran a survey of comparative salaries in other states (see Attachment #3). We on the board feel we have an awesome responsibility in handline the state funds and our position is currently untenable.

HIMSL-There are over 300,000 positions in the Executive Branch that are exempt from the Pay Plan and so these two positions wouldn't make that much difference.

SALES-Do you think you have lost money in the past because of the salary range? ALBERT-No, I don't think we have lost money, but we have lost good people. BRAND-How many people aren't in the Pay Plan? LEWIS-375. BRAND-How many people are in it? LEWIS-13,000. HIMSL-Even though some of them aren't under the Pay Plan, their salaries are scaled according to the Plan. BRAND-How many people are employed here? HIMSL-Eleven, all of whom are under the Pay Plan. These two positions would be paid from the revenues generated by the Board.

SB 289-Sponsored by Senator Graham -- This is by request of the Department of Revenue. The stricken section of the bill contains language we no longer need.

LEON MESSLER-Liquor Division -- Their fees are determined at the bargaining table and they feel that unit sales are more reflective of what the store is doing.

NO OPPONENTS

BRAND-If you are taking it out of the ABC classification, are you going to have employees by the amount of money that goes out? MESSLER-There are currently seven classes but we haven't used this system since '72.

SB 28-Sponsored by Senator Story -- This is at the request of the Department of Health.

DUANE ROBERTSON-Chief of Solid Waste Program, Department of Health -- He submitted written testimony, see Attachment #4.

CARL ABLE-City of Great Falls -- This pay back stipulation does impare the intention of the original act.

MIKE STEVENS-Montana Association of Counties -- We feel this would assist counties

(SB 28 continued)-BE CONCURRED IN.

BENNETT-I'm almost positive that there's another bill that does the same thing - could we hold this and check on that bill? The committee assented.

SB 74-SMITH moved BE CONCURRED IN, which carried with Brand and McBride voting NO.

SB 123-BENNETT moved BE CONCURRED IN, which carried unanimously.

SB 213-MAGONE moved BE CONCURRED IN, which carried unanimously.

SB 146-PORTER moved BE CONCURRED IN, which carried unanimously.

SB 289-BAETH moved BE CONCURRED IN, which carried with Brand voting NO.

Adjourned: 11:15 a.m.

Joe Brand

Joe Brand, Chairman

Nita Sierke

Nita Sierke, Secretary

MINUTES OF THE MEETING
STATE ADMINISTRATION COMMITTEE
MONTANA STATE SENATE

February 8, 1979

The twentieth meeting of the Senate State Administration Committee was called to order by Senator Pete Story, Chairman, on the above date, in Room 442 of the State Capitol Building, at 10:00 a.m.

ROLL CALL: All members of the Committee were present; Senator Ryan was late due to appearing at another Committee.

CONSIDERATION OF SENATE BILL NO. 289: The Chairman called on Senator Carroll Graham, District No. 29, sponsor of the bill, to present his testimony on Senate Bill No. 289.

Senator Graham stated this legislation was at the request of the Department of Revenue to amend Section 16-2-101 relating to classifying state liquor stores by the volume they sold. This language should be deleted because as of today the employees are under the state pay plan, making this part of the law not applicable.

Chairman Story then called for further proponents; none appearing, opponents were called for. There being no response, he asked if Senator Graham would like to make a closing statement.

Senator Graham replied he thought the matter should be taken care of as soon as possible to clarify the law.

Opening the hearing for questions by the Committee, Senator Story inquired if the employees had been paid according to the volume sold. Responding was Bill Groff who advised that this old system had been revised when they accepted the collective bargaining act, so it was outdated.

Senator Jergeson moved that Senate Bill No. 289 DO PASS; motion carried by unanimous vote of those present.

Senator Roskie moved that Senate Bill No. 289 be put on the Consent Calendar; this motion also passed unanimously.

CONSIDERATION OF SENATE JOINT RESOLUTION NO. 9: The Chairman called on Senator Tom Rasmussen, sponsor of the bill, to present his testimony on Senate Joint Resolution No. 9.

Senator Rasmussen commented this evolved from an incident last session in the Employment Security Division, which resulted in a resolution passing them which dealt with this problem. They had some difficulty with de-emphasizing the fraud division and this was reflected in the number of cases brought up for investigation or prosecution. In 1972, 272 cases were reported; it then started to drop, and was down to 14 cases in 1977. The point of this Resolution is to direct the Director of the Employment Sec. Div. to provide the Legislative Auditor with quarterly reports on his

Date Feb. 8, 1979

ROLL CALL

STATE ADMINISTRATION COMMITTEE

46th LEGISLATIVE SESSION - 1979

NAME	PRESENT	ABSENT	EXCUSED
Senator Pete Story, Chairman	✓		
Senator George F. Roskie, V. Chmn.	✓		
Senator Bob Brown	✓		
Senator A. T. (Tom) Rasmussen	✓		
Senator Patrick L. Ryan (left)	✓		
Senator Greg Jergeson	✓		
Senator William F. Hafferman	✓		

Each Day Attach to Minutes.

ROLL CALL VOTE RECORD

SENATE COMMITTEE STATE ADMINISTRATION

Date Feb. 8, 1979 SENATE Bill No. 289 Time

(3) Do Pass
(4) Consent Cal.

NAME	YES	NO
Senator Pete Story, Chairman	✓	
Senator George F. Roskie, V. Chairman (3)	✓	
Senator Bob Brown	✓	
Senator A. T. (Tom) Rasmussen	✓	
Senator Patrick L. Ryan	✓	
Senator Greg Jergeson (2)	✓	
Senator William F. Hafferman	✓	

Jennie L. Palmer
Secretary

Pete Story
Chairman

Motion: Senator Greg Jergeson moved that Senate Bill No. 289 DO PASS; motion was seconded and carried unanimously; Senator George Roskie then moved that S.B. 289 be put on the consent calendar; this motion also passed unanimously.

(include enough information on motion--put with yellow copy of committee report.)

STANDING COMMITTEE REPORT

February 8 19 79

MR. President

We, your committee on State Administration

having had under consideration SENATE Bill No. 239

Respectfully report as follows: That SENATE Bill No. 239

Introduced Bill, was unanimously passed and was unanimously placed on the Consent Calendar.

DO PASS

PA.

Pete Story, Chairman.

STATE PUB. CO.
Helena, Mont.

 HOUSE STATE ADMINISTRATION COMMITTEE - SENATE BILLS

Bill No.	Subject Matter	Date In	Sponsor	Hearing Date	Committee Action	Date Out
SB 212	to authorize investment of public funds in obligations of a corporation in which the US Govt. is a voting shareholder by act of Congress	2/9/79	S. Brown	3-6-79	Be Concurred In	3-6
SJR 1	directing the President of the senate & speaker of the house to appoint a select committee on indian affairs	2/9/79	Lowe	3-2-79	Be Concurred In	3-3
SJR 9	requesting department of labor/industry, employment security division to provide legislative auditor with quarterly reports on number of cases/results of reviews & investigations of unemployemnt comp. claims	2/15/79	Rasmussen	3-1-79	Be Concurred In	3-3
SB 289	deliting the classificationsystem of state liquor stores by volume	2/15/79	Graham	3-2-79	Be Concurred In	3-3
SB 170	to eliminate the use of lists of persons compiles by state & local agencies as mailing lists by private parties; providing penalty	2/17/79	Rasmussen	3-1-79	Not Be Concurred In Tabled	3-3
SB 171	requiring advertising & competitive bidding for leasing state office space; effec. date	2/17/79	Lockrem	3-1-79	Not Be Concurred In Tabled	3-8

SENATE BILL NO. 289

INTRODUCED BY GRAHAM

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~~(2) Stores shall be classified as follows:~~

~~(a) Stores having done a business of $450,000 or over shall be "class A" stores.~~

~~(b) Stores having done a business of $140,000 and up to $450,000 shall be "class B" stores.~~

~~(c) All stores having done a business of less than $140,000 shall be "class C" stores.~~

~~(3) In opening new stores the department shall estimate the volume of business which said store will do the first year and classify said store according to the estimate of business.~~

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-End-

SB 289
SENATE CONSENT CALENDAR
HOUSE REFERENCE BILL.